

## ARTICLE XII

### LEAVES OF ABSENCE

1.0 "Leave of Absence" Defined: Probationary and permanent employees shall be eligible for certain paid and unpaid leaves of absence. A "leave of absence" is an authorized absence from active service granted to probationary or permanent employees, for a specified purpose and period of time, with the right to return to active service unless the employee's service would otherwise have been terminated. Leaves are either "permissive" or "mandatory." As to permissive leaves, the term "may" is used and the District retains discretion as to whether they are to be granted and as to the starting and ending dates of the leave. As to mandatory leaves, the term "shall" is used and the District has no discretion as to whether the leave is to be granted to a qualified employee.

2.0 Rights Upon Return: Any employee returning from a leave of forty-five (45) calendar days or less will be returned to the location from which the leave was taken except that the employee may be transferred pursuant to Article XI (Transfer Procedures), if such a transfer would have been made if the employee had been on duty. An employee who returns from leave after the 45 day period shall be considered for return to the location, including patrol, from which the leave was taken if at the time of return there is a vacancy at that location. If not returned to the existing vacancy, the employee shall be entitled to the statement of reasons pursuant to Section 2.1 of Article XI.

3.0 Restrictions: An unpaid leave of absence may not be converted to a paid leave of absence, except in the case of pregnancy disability as provided in Section 9.2 of this Article.

4.0 Application: Applications for permissive leaves of absence must be submitted on or before the dates established by this Article. Exceptions may be made in the sole discretion of the District.

5.0 Notification Requirements: Unless otherwise provided in this Article, an employee who intends to be absent for twenty (20) working days or less must make every reasonable effort to notify the appropriate supervisor or administrator the day prior to the beginning of the absence. All employees returning to service must notify the appropriate supervisor or administrator at least one hour before the end of the regular working day on the day before the day of anticipated return. If such notification is not given and both the employee and substitute report for duty, it is only the substitute who is entitled to work and be paid.

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5.1 All employees returning to service must notify the appropriate supervisor, administrator or designee at least one hour before the end of the regular working day prior to the day of anticipated return. Such notice is not given and both the employee and a substitute report for duty, only the substitute is entitled to work and to be paid for that day.

6.0 Cancellation of or Early Return From Leave: A request by an employee for cancellation of or early return from a leave once commenced or for cancellation of a request for a leave shall be granted unless another employee has been assigned to fill the employee's position at the site. Exceptions may be made in the sole discretion of the District.

7.0 Expiration of Leave: Except in the case of illness leave or industrial injury leave, or as otherwise provided in this Article, twenty (20) days before the expiration of a leave for ninety (90) days or more, the employee must, upon reasonable notice from the District, notify the Classified Personnel Assignments Office of his or her intention to return or request an extension of leave, if eligible. Failure to give such notice shall be considered abandonment of position and resignation from service.

8.0 Bereavement Leave (Paid): An employee is entitled to a paid leave of absence from the District, not to exceed three days, on account of the death of a member of the employee's immediate family provided acceptable proof of death and relationship is provided and the leave of absence commences within ten (10) calendar days of the death. If more than one such death occurs simultaneously, the leave may be taken consecutively. If out-of-state travel is required and requested, an additional two (2) days shall be granted. The immediate family is defined as the parents, grandparents, or grandchild of the employee or of the employee's spouse, and the spouse, child, brother, sister, daughter-in-law, or son-in-law of the employee, or any relative living in the immediate household of the employee. Nothing contained herein shall be deemed to provide a paid leave of absence, including absence for out-of-state travel, that exceeds forty (40) hours.

9.0 Pregnancy and Related Disability Leave (Paid and Unpaid):

9.1 Paid Disability Leave Absence: For that period of time during which the employee is physically disabled and unable to perform her regular duties due to pregnancy, miscarriage, childbirth and recovery therefrom, she shall be permitted to utilize her illness absence pursuant to Section 11.0 of this Article.

9.2 Physician Certifications: A pregnant employee shall be permitted to continue on active duty until such date as she and her physician determine that she must absent herself due to pregnancy disability, provided that she can and does continue to perform the full duties and responsibilities of her

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position. The employee must also supply to the District her physician's certification as to the beginning and ending dates of actual pregnancy-related disability for which paid illness absence is claimed and her physician's release to return to active duty.

9.3 Optional Unpaid Portion: A pregnant employee in active status shall, upon request, be granted an unpaid pregnancy leave prior to the period of actual disability, and still qualify for paid absence during the initial disability. This is the only exception to the general rule that paid leaves may only be taken from active status.

9.4 Nothing contained in Section 9.0 shall limit an employee's rights under applicable law with respect to reasonable accommodation or otherwise.

10.0 Child Care Leave (Unpaid): An unpaid leave may be granted to a permanent employee to care for such employee's own (including adopted) child of under three (3) years of age. The leave, together with any renewal thereof, shall not exceed thirty-nine (39) calendar months in duration.

11.0 Illness Leave (Paid): An employee shall be granted a leave of absence because of illness, or injury, or quarantine of the employee.

11.1 Each employee shall accrue 0.05 hour of full-pay illness absence credit for each hour for which salary is received, excluding overtime.

11.2 At the beginning of the first pay period of each fiscal year upon initial regular appointment, reemployment or reinstatement, each active employee who had accrued fewer than the number of full-pay illness absence hours equivalent to 100 days shall be credited with the number of half-pay illness absence days which, when added to the accrued full pay illness absence days, equals the equivalent of one hundred (100) days of full and half-pay illness absence days.

11.3 At the beginning of the first pay period of each fiscal year, upon initial regular appointment, reemployment or reinstatement, each active employee shall receive credit for full-pay illness leave of absence up to thirteen (13) days (pro-rated for those employed for less than a full school year) prior to accrual. However, an employee who uses such a credit prior to actual accrual shall not accrue or be credited with additional leave until the negative balance has been restored. If an employee is paid for more than the illness absences to which entitled, or terminates employment prior to accruing leave taken in advance, the employee shall be required to refund to the District the salary to which not entitled. This requirement shall be waived in the event of the employee's death or physical or mental disability which precludes the employee from returning to District employment.

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11.4 Unused full-pay illness absence credit shall be cumulative from year to year without limitation. Half-pay illness credit shall not be cumulative from year to year.

11.5 When a permanent employee is absent under this Section and such absence is properly verified, the employee will receive his/her full normal pay up to the total of the employee's full-pay illness benefits. Full-pay illness benefits shall be used before available half-pay benefits may be used. Additional days of illness absence will be at half-pay up to the total of half-pay days credited, if available, unless the employee requests use of any accrued vacation which he/she may have. The amount of illness absence taken in any pay period shall not be in excess of the illness absence accumulated by the close of the pay period immediately preceding the illness absence, except as provided in Section 11.3. An employee serving an initial probationary period must render service and shall not be eligible to be paid for more than the equivalent of six (6) days of full-pay illness leave until the first day of the pay period after completion of 130 days of paid service in regular assignment. Half-pay illness leave shall not be paid during this time. When all paid leaves of absence have been exhausted, an employee who is unable to assume the duties of his/her position shall be placed on a reemployment list for a period of thirty-nine (39) months as if he/she were being laid off. An employee on a reemployment list shall have the same rights and benefits as an employee laid off for lack of work or lack of funds.

11.6 An employee who is absent shall be required to certify the reason for absence. Also, the District shall have the authority to use whatever means are reasonably necessary to verify any claimed illness, injury, or disability under this Section before authorizing any compensation.

11.7 An employee absent from duty for any illness, injury, or surgery for more than five (5) consecutive working days shall be required to submit a signed completed Attending Physicians Statement health form to the immediate administrator and may be readmitted to service at the discretion of the immediate administrator and may be referred by the District for health approval prior to readmission. If an employee returns with a signed completed Attending Physician's Statement and is referred by the District for the health approval prior to readmission, the employee will be placed on light duty until the first available appointment with the District's doctor, unless the District deems the employee's condition is such that it would preclude either light duty or readmission (in which event the employee will be placed on miscellaneous paid absence until the first available appointment with the District's doctor.)

11.8 If a permanent employee resigns and returns within thirty-nine (39) months of the last date of paid service to permanent status, the number of hours for which the employee was entitled to full-pay illness absence shall be

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restored, unless such had been transferred to another agency or used in the computation of retirement allowance.

11.9 An employee absent under this Section shall provide the District with one or more contact numbers (e.g., telephone, cell phone, and/or pager) where the employee, during District business hours, can be reached or where a message can be left which the employee will promptly return.

12.0 Industrial Injury/Illness Leave (Paid): An employee who is absent from District service because of an injury or illness which arose out of and in the course of employment, and for which temporary disability benefits are received under the worker's compensation laws, shall be entitled to a paid leave of absence under the following conditions:

a. Allowable paid leave of absence shall be for up to sixty (60) working days for the same injury or illness;

b. Allowable paid leave of absence shall not be accumulated from year to year;

c. An employee absent under this Section shall be entitled to receive such portion of the salary due for any period in which the absence occurs as, when added to the temporary disability indemnity, if any, required under State law, will result in a payment of not more than the employee's salary as of the date of injury or illness;

d. When an authorized leave of absence continues into the next fiscal year the employee shall be entitled to only the amount of unused leave of absence due for the same illness or injury; and

e. Each employee who has received work-related injury or illness which requires medical attention or absence from work for more than the day of the occurrence, must complete a written report on a form to be provided by the District. This written report must be submitted to the immediate administrator within two (2) working days after the occurrence if the employee is physically able to do so. The site administrator shall, as a result of his/her own investigation, complete the Employer's Report of Occupational Injury or Illness, and shall attach the employee's report thereto. The employee must also report as soon as possible for examination and treatment by a physician who is on the District's Emergency Medical Panel.

### 12.1 Extension of Industrial Injury Leave:

a. If the employee was physically injured during an act or acts of violence related to and during the performance of assigned duties, the

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leave of absence may be extended beyond the initial sixty (60) day period up to an additional 150 days. In order to qualify for such an extension, the employee must have (1) notified the site administrator and appropriate law enforcement authorities within twenty-four (24) hours of the incident if the employee was physically able to do so; (2) completed the employee's written report and reported for treatment as required in Section 12.0(e) above; (3) reported, as soon as it becomes evident that an extension is to be requested, for a District-approved physical examination and received approval as a result of such examination; and (4) applied in writing to the District for such an extension, using a District form. Such application should be filed with the immediate administrator as soon as the employee sees the need for such an extension, so that the District has adequate time to review and process the claim prior to the effective date of the leave extension. Determination whether the injury was the result of an act of violence, and whether the act of violence was related to and during the performance of duties, but not whether it is compensable under worker's compensation laws, shall be made by the immediate administrator. Determination whether the injury is disabling beyond the initial sixty (60) day period shall be made by the District. An employee may be required during the extended period to be evaluated by the District at any time.

b. For the purposes of Section 12.1 of this Article only "physically injured during an act or acts of violence" is defined as a physical injury suffered by an officer as a result of any of the following:

- (1) Physical injury suffered as a direct result of a physical altercation with a suspect;
- (2) Physical injury suffered as a direct result of an attempt to defend against a substantial threat of physical injury to the officer or a third party.
- (3) Physical injury suffered as a direct result of pursuing a fleeing criminal suspect or while actively responding to a crime or suspected crime in progress.

However, an act of violence will not be deemed to have occurred unless the officer reports the incident to the officer's supervisor prior to the end of the shift on which the incident occurred.

12.2 Upon exhaustion of the above authorized industrial injury absence benefits, the employee shall be permitted to utilize accrued illness benefits or vacation benefits, if any. If the employee continues to receive temporary disability indemnity, the employee shall be paid for any illness and

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vacation benefits which, when added to the temporary disability indemnity, will result in a payment of not more than full normal salary.

12.3 An employee absent under this Section shall remain within the State of California unless the District authorizes travel outside the State.

12.4. An employee absent under this Section shall provide the District with one or more contact numbers (e.g., telephone, cell phone and/or pager) where the employee, during District business hours, can be reached or where a message can be left which the employee will return within the same day.

12.5 Nothing in this Section 12.0 shall be construed to limit the length of an eligible employee's industrial disability leave otherwise required by applicable law.

13.0 Personal Necessity Leave (Paid): An employee shall, subject to the limits set forth below, be granted a paid personal necessity leave when the gravity of the situations described below require the personal attention of the employee during assigned hours of service:

- a. Death or serious illness of a member of the employee's immediate family;
- b. Accident involving the employee's person or property or the person or property of a member of the employee's immediate family;
- c. Birth of the employee's child
- d. Religious holiday of the employee's faith;
- e. Imminent danger to the home of an employee occasioned by a disaster such as flood, fire, or earthquake;
- f. Verifiable automobile failure of up to two (2) hours if the employee's automobile is required to be used for work purposes on that day;
- g. An appearance of the employee in court as a litigant, or as a witness under an official governmental order for which salary is not otherwise permitted, provided that:
  - (1) Each day of necessary attendance as litigant or as a witness under such an official governmental order must be certified to by the clerk or other authorized officer of a court or other governmental jurisdiction;

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- (2) In any case in which a witness fee is payable, such fee shall be collected by the employee and remitted to the Accounting and Disbursements Division; and
- (3) The employee must return to work in cases where it is not necessary for him to be absent the entire day.
  - h. Required attendance at employee's child's or ward's classroom and meeting with the school administrator because of suspension pursuant to Education Code Section 48900.1.
    - i. Up to four hours of paid personal necessity leave (and up to thirty-six (36) additional hours of accrued vacation or unpaid leave) not to exceed a total of eight (8) hours per calendar month, forty (40) hours per school year for attendance at the school of the employee's own child, ward, or grandchild for purposes of a school activities leave provided by Section 230.8 of the Labor Code. The employee must notify the appropriate administrator or designee at least five working days prior to the absence. The administrator or designee and employee must agree on the date and time of the leave, and the employee must provide written verification from the school visited upon request of the administrator or designee.
    - j. An employee shall be allowed up to six additional days of personal necessity leave in any calendar year to attend to the illness of a child, parent or spouse of the employee as provided by Section 233 of the Labor Code. All existing contractual conditions for the use of illness leave shall apply to this leave as well. Use of illness leave under this Section 13.0 shall not extend the maximum period of leave to which an employee is entitled under Article XII, Section 20.0, Family Care and Medical Leave.

13.1 The following limits and conditions are placed upon allowing a personal leave or absence:

- a. Except as provided in Section 13.0 j above, the total number of days allowed for such leave shall not exceed six (6) days per fiscal year;
- b. The days allowed shall be deducted from and may not exceed the number of full-pay days of accrued illness leave to which the employee is entitled;
- c. The personal necessity leave shall not be granted during a strike, demonstration, or any work stoppage; and

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d. Written request on the appropriate form shall be filed with the appropriate administrator no less than five (5) working days in advance of a religious holiday or court appearance.

e. The employee shall be required to verify the nature of such necessity. The immediate administrator shall take whatever steps are reasonably necessary to become satisfied that a personal necessity within the limits of this Section did exist.

14.0 Personal Leave (Unpaid): An unpaid leave may, in the discretion of the District, be granted to a permanent employee for a period not to exceed fifty-two (52) consecutive calendar weeks, except as provided below, for a specific personal reason satisfactory to the District, including but not limited to the following:

- a. To be with a member of the immediate family who is ill;
- b. To accept an opportunity of a superior character which will result in the employee rendering more effective service on return to the District;
- c. To rest, subject to the approval by the District;
- d. To remain with spouse if a change of residence is required;
- e. To pursue a program of study in residence in an approved institution of higher learning or under a fellowship foundation approved by the State Board of Education;
- f. To serve as a State Legislator -- such leave shall be renewed annually during the tenure of office, the above limitation notwithstanding; or
- g. To serve in an elective position in the city, county, state, or federal government, other than the State Legislature.

14.1 Applications must be filed with the Classified Personnel Assignments Office and are subject to cancellation in the event of layoff.

15.0 Government Order Leaves (Commissions, Military, Witness, and Jury Service):

15.1 Paid leave of absence shall be granted for service on a Commission on Professional Competence established pursuant to the Education Code.

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15.2 An appropriate military leave of absence shall be granted to any qualified employee in accordance with the provisions of the Education Code and Military and Veterans Code.

15.3 A paid leave of absence shall be granted to allow an employee to appear, in response to a subpoena duly served, (a) in a case before a grand jury; (b) in a criminal case before a court within the State; or (c) in a civil case in a court within the county in which the employee resides or outside of said county if within 150 miles of place of residence. Such paid leave shall not be granted, however, in any case or proceeding in which the employee is a litigant or in any case or proceeding for which the employee is required to appear as a result of or in any way connected with his/her employment by an employer other than the District. Leave may be granted for the days of attendance in court as certified by the clerk or other authorized officer of such court or grand jury or by the attorney for the litigant in the case. In any case in which witness fees are payable, such fees shall be collected by the employee and remitted to the Accounting and Disbursements Division.

15.4 Jury Duty Leave (paid): A paid leave of absence shall be granted to any employee required to render jury service in any court within the State so long as such leave would not disrupt District operations in the employee's organizational unit. An employee shall provide to his/her supervisor no less than five (5) working days notice of a summons to jury service. However, if the summons to the employee does not allow for at least five (5) working days' notice, the employee shall notify his/her supervisor immediately upon receipt of the summons. All jury fees received shall be remitted to the Accounting and Disbursements Division.

16.0 Conference and Convention Attendance: A paid leave may, in the discretion of the District and upon the recommendation of the appropriate division head, be granted for attendance at conferences and conventions sponsored by professional organizations which are approved by the appropriate administrator under all of the conditions noted below:

- a. The attendance leads directly to the professional growth of the employee and the improvement of the educational program of the District;
- b. The attendance does not result in unnecessary duplication of participation by District personnel; and
- c. The attendance does not necessitate the reimbursement of any expenses by the District to the employee.

16.1 A written or oral report of the conference may be requested by the appropriate administrator.

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16.2 For conferences or conventions which are not permitted pursuant to the above, the District may authorize the employee to utilize personal necessity leave under Section 13.0 of this Article.

### 17.0 Miscellaneous Absences (Paid):

17.1 Examinations: Upon giving his/her immediate supervisor advance notice of not less than two (2) working days, an employee shall be permitted a paid absence to take an examination or participate in other District employment procedures during working hours.

17.2 A permanent employee shall be granted up to one (1) day per year with pay for the purpose of a comprehensive physical examination provided that verification of such an examination is submitted to the District.

17.3 An employee who is subpoenaed to be a witness in the appeal by another employee of a decision of the Workers' Compensation Appeals Board arranged by the District's Insurance Section may attend without loss of salary.

18.0 Shift Change While On Leave: Employees assigned forty (40) hours per week to other than a five (5) day week (Monday-Friday), eight (8) hour shift shall be reassigned for time reporting purposes to a five (5) day week (Monday-Friday), eight (8) hour shift for the duration of any leave of absence of five (5) workdays or more.

19.0 A sworn employee involved in an incident in which the employee fires a weapon and, in so doing, injures another person shall either be placed on an administrative assignment until the District determines the employee is able to return to a regular assignment, or be authorized to utilize personal necessity leave under Section 13.0 of this Article provided the employee remains available to respond to an investigation of the incident.

19.1 Upon request, a sworn employee who is involved in a shooting where no one is injured shall be placed on administrative assignment until the District determines the employee is able to return to a regular assignment.

20.0 Family Care and Medical Leave: An unpaid Family Care and Medical Leave shall be granted, to the extent of and subject to the restrictions as set forth below, to an employee who has been employed for at least twelve (12) months and who has served for 130 workdays during the twelve (12) months immediately preceding the effective date of the leave. For purposes of this Section, furlough days and days worked during off-basis time shall count as "workdays". Family Care and Medical Leave absences of twenty (20) consecutive working days or less can be granted by the immediate administrator

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or designee. Leaves of twenty (20) or more consecutive working days can be granted only by submission of a formal leave application to the Classified Personnel Assignments Branch.

20.1 Definitions: For purposes of Family Care and Medical Leave, the following definitions shall apply: (1) "Child" means a biological, adopted or foster child; a stepchild; a legal ward; or a child of an employee standing "in loco parentis," such child being either under 18 years of age or an adult dependent who is incapable of self care due to a mental or physical disability. (2) "Spouse" means a husband or wife of an employee. (3) "Parent" means a biological, foster, or adoptive parent; a person who stood "in loco parentis" to the employee when the employee was a child; a stepparent; or a legal guardian; and does not include a parent-in-law. (4) "Family member" means "child", "spouse", or "parent" as defined above. (5) "Serious health condition" means an illness, injury, impairment, or other condition that involves either "in-patient care" or "continuing treatment". (6) "Inpatient care" means a stay in a hospital or other medical facility and includes any subsequent treatment in connection with inpatient care. (7) "Continuing treatment" means treatment by a "health care provider" that involves one or more of the following: (a) a period of incapacity of more than three (3) consecutive calendar days (as well as any subsequent treatment or period of incapacity relating to the same condition) that also involves either two (2) or more treatments by a "health care provider", or treatment by a "health care provider" on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of a "health care provider"; (b) any period of incapacity due to pregnancy (including morning sickness); (c) any period of incapacity or treatment for an incapacity due to a chronic health condition that requires periodic visits for treatment, which continues over an extended period of time, and may cause episodic (i.e., a period of incapacity for less than three (3) days) rather than a continuing incapacity (such as asthma, diabetes, and migraine headaches); (d) a period of incapacity that is long-term due to a condition for which treatment may not be effective; and (e) any period of absence to receive multiple treatments, including treatment of a condition that would likely result in a period of incapacity for a period of more than three (3) days if not treated. (8) "Health care provider" means an individual holding either a physician's and surgeon's certificate or an osteopathic physician's and surgeon's certificate issued pursuant to Article 4 of Chapter 5 of Division 2 of the California Business and Professions Code, or any other individual duly licensed to practice medicine in another state or jurisdiction who directly treats or supervises the treatment of the serious health condition, or by any other person determined by the Secretary of Labor to be capable of providing health care services. The definition includes podiatrists, dentists, clinical psychologists, optometrists, chiropractors (limited in scope), nurse practitioners, nurse midwives, and certain Christian Science practitioners.

20.2 Reasons for Leave: Family Care and Medical Leave may be granted for reason of the birth of a child of the employee, or the placement of a

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child with an employee in connection with the adoption or foster care of the child by the employee. If the leave is taken for any of these reasons, the leave must be concluded within twelve (12) months of the birth, the adoption, or the foster care placement of the child. In addition, leave may be granted because of the serious health condition of a child of the employee, the employee's own serious health condition, or the care of a parent or spouse who has a serious health condition.

20.3 Length of Leave: The leave, together with any renewal thereof, shall not exceed the number of days equivalent to a total of twelve (12) normally scheduled workweeks in a fiscal year.

Any leave an employee takes for the reasons specified in Section 20.2 above will be counted against the employee's annual leave entitlements under the federal Family and Medical Leave Act of 1993 and the California Family Rights Act of 1991, as amended. This leave runs concurrently with any other leave the District offers for which the employee is qualified. Leave caused by pregnancy, childbirth or related medical conditions under Section 9.0 of this Article is separate and apart from the provisions of Family Care and Medical Leave herein. Employees are entitled to the leave allowed under Section 9.0 and, in addition, up to the full twelve (12) weeks of Family Care and Medical Leave. However, leave taken either under this Section or under Section 9.0 above on account of pregnancy, childbirth, or related medical condition will be counted against the employee's annual leave entitlement under the federal Family and Medical Leave Act of 1993.

20.4 Intermittent Leave: The leave may be taken intermittently or on a reduced work schedule. If the leave is taken for reason of the birth, adoption, or foster care placement of a child of the employee, the basic minimum duration of the leave shall be two (2) weeks; however, the District shall grant the employee leave of less than two (2) weeks' duration on two (2) occasions. If the leave is taken for a serious health condition of the employee or of the employee's family member, leave may be taken intermittently or on a reduced schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. An employee may take such leave for as short a time as one (1) hour (can be less than one (1) hour, if necessary).

If an employee does take intermittent or a reduced-schedule leave that is foreseeable based on a planned medical treatment of the employee or the employee's family member or for the birth, adoption, or foster care placement of a child, the District has the right to transfer temporarily the employee to an available alternative position for which the employee is qualified and which better accommodates the recurring periods of leave during the duration of the intermittent or reduced-scheduled leave. The alternative position must have equivalent pay and benefits but does not have to have equivalent duties. The alternative position may include the altering of the employee's current job. The

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District may also transfer the employee to a part-time job with the same hourly rate of pay and benefits. Upon the conclusion of the intermittent or reduced-schedule leave, the District will place the employee in the same or equivalent job the employee had when the leave started.

20.5 Notification: If the need for the Family Care and Medical Leave is foreseeable more than thirty (30) calendar days prior to the employee's need for leave, the employee shall give at least thirty (30) days notice. If less than 30 days, the employee must provide the immediate supervisor with as much advance notice as possible but, at the least, within two (2) business days of learning of the need for the leave. These advance notice requirements shall not be applicable in the event of unforeseeable circumstances or emergencies. Whenever possible, if the need for leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable, good faith effort, subject to the approval of the employee's or family member's health care provider, to schedule the treatment or supervision to avoid disruption to the District's operations. In giving notice, the employee must include the qualifying event for which the leave is needed, e.g., birth of a child, serious health condition of parent, etc.

20.6 Medical Certification: For leaves to care for a child, spouse or parent who has a serious health condition, the employee must submit to the immediate administrator or, if applying for a formal leave must attach to the leave application, medical certification from the health care provider which includes: (1) the date, if known on which the serious health condition commenced; (2) the probable duration of the condition; (3) an estimate of the time that the health care provider believes the employee needs to care for the individual; and (4) a statement that the serious health condition warrants the participation of the employee to provide care. If the leave is for the serious health condition of the employee, the employee must submit to the immediate administrator and/or, if applying for a formal leave, must attach to the leave application, medical certification as specified in (1) and (2), above, plus a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform one or more of the essential functions of the employee's position. Medical certification must be submitted no later than fifteen (15) calendar days after the leave request has been made. If the deadline by which the employee is to submit the medical certification is after the leave has started, the employee will be considered to have taken Family Care and Medical Leave pending the District's receipt of the proper certification. However, if the employee fails to provide proper certification, the employee will be treated as if he or she did not qualify for, and thus never took, Family Care and Medical Leave, will be treated as if he or she sought a leave of absence under another provision of this Agreement, and will not be given the protections set forth in this Article.

In the case of leave due to a serious health condition of the employee, the District reserves the right to require, at its own expense, that the employee obtain

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the opinion of a second or even third health care provider designated by the District but not employed on a regular basis by the District. The second health care provider, if required, shall be selected by the District. The third health care provider, if necessary, shall be jointly approved by the District and the employee and this provider's opinion shall be binding. If the employee's leave has already begun during this medical review process, the employee will be considered to have taken Family Care and Medical Leave, pending the result of the examinations by the second and, if necessary, third health care provider. If additional leave beyond that provided in the certification is required, the employee must submit a new certification by the relevant health care provider.

20.7 Restrictions: In the event that parents who are both District employees each wish to take Family Care and Medical Leave for the birth, adoption, or foster care placement of their child, the combined total amount of leave that will be granted such employees will be twelve (12) workweeks during a fiscal year. These employees will still be eligible to take the remainder of their individual twelve (12) workweek allotment for Family Care and Medical Leave for a purpose other than the birth, adoption or foster care placement of a child.

20.8 Compensation: The Family Care and Medical Leave shall be an unpaid leave. An employee who takes Family Care and Medical Leave and who has accrued vacation may elect, or the District may require, the employee to utilize vacation for this purpose, in lieu of unpaid status. An employee who takes leave for the employee's own serious health condition may elect, or the District may require, the employee to utilize accrued illness days for the leave. During the leave, the District will continue to provide the health benefits package, and maintain the District contribution obligation pursuant to Article XIV, Health and Welfare, during the Family Care and Medical Leave (except as provided below) to an employee who is otherwise eligible for health benefits. However, an employee who does not return from such leave, or who works less than thirty (30) days after returning from the leave (unless the employee retires within thirty (30) days after returning from leave) will be required to reimburse the District for the District's cost of providing the health benefits package. The District, however, will not provide such health benefits for an employee for any leave period beyond twelve (12) workweeks. Accordingly, if an employee combines pregnancy leave with a Family Care and Medical Leave, the employee will only be entitled to continued health benefits for the first twelve (12) workweeks of leave. Thereafter, the District will provide the employee with health benefits to the same extent and under the same conditions as it provides to employees on other, similar leaves of absence.

20.9 Seniority: Accrual of seniority credit for the period of Family Care and Medical Leave shall be in accordance with Personnel Commission Rule 740.

## Article XII – Leaves of Absence

20.10 Certification to Return to Work: The provisions of Section 11.6 and 11.7 shall apply to employees returning to work from a Family Care and Medical Leave (absence) due to the employee's own serious health condition.

20.11 Early Return From Leave: If the amount of leave needed is actually less than initially requested, the employee must notify the District of such an occurrence. Once the employee provides such notification, the District must reinstate the employee to the same or equivalent position within two (2) days.